

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

BAD BOY ENTERPRISES, LLC

PLAINTIFF

V.

CIVIL ACTION NO. 5:09-cv-00019-DCB-JMR

XYLODYNE CORPORATION, PETER  
McDONALD AND NORM MacPHERSON

DEFENDANTS

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FINAL JUDGMENT

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THIS CIVIL ACTION CAME ON FOR HEARING this date on motion *ore tenus* of the plaintiff, as made by its counsel, seeking an Order dismissing this civil action at the instance of the plaintiff and with full and final prejudice to all claims that were made or that might have been made in the civil action, and the Court, finding first that it has jurisdiction of the subject matter and of the person of the plaintiff, but being advised that service of process had not yet been perfected upon the defendants and that defendants intended to controvert the *in personam* jurisdiction of the Court if served, but being advised further that the parties have reached a compromise to be performed in part by surrenders of property located in the Province of Ontario and by the payment from Canada of funds in an amount satisfactory to the plaintiff, and being otherwise fully advised in the premises, is of the opinion that, in view of the compromise, there is no impediment to the granting of the plaintiff's own Motion to Dismiss.

IT IS THEREFORE ORDERED AND ADJUDGED that this civil action be and hereby is dismissed fully and finally and with prejudice to all the claims plaintiff brought in the action or which it might have brought, the parties to bear their respective costs.

SO ORDERED AND ADJUDGED, this the 28<sup>th</sup> day of October, 2009.

s/David Bramlette  
DAVID BRAMLETTE  
UNITED STATES DISTRICT JUDGE

Submitted:

s/Lucien C. Gwin, III  
Lucien C. Gwin, III  
Counsel of Record for  
Bad Boy Enterprises, LLC